

EXHIBIT 15
DATE 3-8-11
HB 309

Main Identity

From: "Karl Gies" <skyland@midrivers.com>
To: "Craig Roberts" <craigroberts@midrivers.com>; "Michael & Blanche Chapman" <bmchap@midrivers.com>
Sent: Monday, March 07, 2011 7:07 PM
Subject: HB 209, an attempt to destroy the stream access law in Montana
Don Pfau asked me to be the spokesman for the Big Spring Creek Watershed Council if we testify at the hearing. Much thanks to Mike Getman as he wrote most of this and if you thing there should be any changes or additions please let me know tonight. cheers, karl

House Bill 309 will be considered by the Senate Agriculture Committee on Tuesday, March 8th, at 3:00 pm in Room 303 of the Montana Capitol. This bill, if passed into law, will revamp the Montana Stream Access law and eliminate public access to many streams and rivers in the State.

I would like every one on the Senate Agriculture, Livestock, and Irrigation Committee to vote to kill this bill. The bill would reclassify any river or stream to a private ditch that have been modified in part by irrigation structures, or whose flows are augmented by irrigation return waters and eliminate public access on them. Almost all rivers and streams in Montana, except those in wilderness areas and the headwaters of streams on Forest Service land, would no longer be accessible by the public. This would be a significant and adverse impact to outdoor recreationists and local businesses (guides, outfitters, motels and restaurant owners, etc.) that depend on revenue associated with the current public access provisions. I also want to point out that the State of Montana owns the stream beds below the ordinary high water mark. This bill, if passed, would eliminate public access to these state owned properties. This would close down at least eight State owned public access sites on Big Spring Creek. There is a head gate right below the East Boulevard bridge in Lewistown that would close all of the lower stream. This issue has went through the Montana Supreme Court twice, then to the Federal Court in Great Falls, next the United States Ninth Circuit Court of Appeals and then the United States Supreme Court. Then there was the issue of bridge access that thanks to Mike Milburn, Kendall Van Dyck (and many others) was settled. After all of this I thanked God that there was not an Inter-Galactic Supreme Court but now we have HB 309.

HB309 is confusing, complicated, contradictory, and impossible to implement. FWP has worked diligently with outdoor recreationists and landowners to implement the 1985 Stream Access Law. Overall, these efforts have been very successful – let's not mess the situation up by passing this bill. This bill is simply an attempt to overturn the seminal decision of the Montana Supreme Court in the Mitchell

3/7/2011